

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ALLSTATE INSURANCE COMPANY,

Plaintiff,

- against -

HERTZ CLAIMS MANAGEMENT CORPORATION,  
ACE AMERICAN INSURANCE COMPANY, ESIS,  
INC, and THE HERTZ CORPORATION,

Defendants.

Civil Action No.  
7:22-cv-10237

**STIPULATION OF  
SETTLEMENT AND  
DISMISSAL**

**WHEREAS**, plaintiffs and defendants have resolved all issues arising from or related to the insurance coverage and indemnity obligations related to the actions entitled Jong Duk Kim v. Hertz Corp. and Jason Bartlett, Index No. 036285/2020, commenced in the Supreme Court of the State of New York, County of Rockland, and Jong Duk Kim v. Allstate Insurance Company, Index No. 031147/ 2022, commenced in the Supreme Court of the State of New York, County of Rockland (collectively, the “Underlying Actions”); and

**WHEREAS**, defendant ESIS, INC. is paying for the settlement of the Underlying Action on behalf of Jason Bartlett and plaintiff Allstate Insurance Company, without right of recoupment from either Jason Bartlett or plaintiff Allstate Insurance Company or their insurers;

**IT IS HEREBY STIPULATED AND AGREED** that, in connection with the settlement of the Underlying Actions, plaintiff and defendants waive and release all claims against the other (or their insurers) arising from or related to the Underlying Actions, including but not limited to all subrogation and co-insurance claims; and

**IT IS FURTHER HEREBY STIPULATED AND AGREED** that the above-captioned action shall be, and hereby is, dismissed, with prejudice and without costs to any party.

Dated: New York, New York  
January 4, 2023

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